

STATE OF NORTH CAROLINA
COUNTY OF ALAMANCE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
22 DHR 01762

<p>Naa Ayorkor Abordo Petitioner,</p> <p>v.</p> <p>North Carolina Department of Health and Human Services, Murdoch Developmental Center Respondent.</p>	<p>FINAL DECISION</p>
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This contested case was heard on October 3, 2022, before Michael C. Byrne, Administrative Law Judge, at the Office of Administrative Hearings in Raleigh, North Carolina.

APPEARANCES

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Ms. Clara Nieman (certified law student)
Ms. Amanda Joos (certified law student)
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Attorneys for Petitioner

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EXHIBITS

Admitted for Petitioner:
Exhibits 1 and 3

Admitted for Respondent:
Exhibits 1-4, 6-15, and 17-21

WITNESSES

For Petitioner:

Petitioner Naa Ayorkor Abordo
Ilisha-Mona Lane (remote testimony)
Dawud Muhammad (remote testimony)

For Respondent:

Lisa Norwood, RN
Shawanna Daniels
Ayanna Bowden

ISSUE

Whether Respondent correctly substantiated and entered on the Health Care Personnel Registry an allegation that Petitioner abused a resident of Murdoch Developmental Center on March 9, 2021.

PREHEARING MOTIONS

The Tribunal granted a motion to sequester witnesses and provided appropriate instruction to the witnesses on this issue.

BASED UPON careful consideration of the sworn testimony of the witnesses presented at the hearing and the entire record in this proceeding, including documents admitted into evidence, the Tribunal makes the following findings of fact. In making the findings of fact, the Tribunal has weighed all the admissible evidence and has assessed the credibility of the witnesses by taking into account the appropriate factors for judging credibility, including, but not limited to, the demeanor of the witness, any interests, bias, or prejudice the witnesses may have, the opportunity of the witnesses to see, hear, know, or remember the facts or occurrences about which the witnesses testified, whether the testimony of the witnesses is reasonable, and whether the testimony is consistent with all other believable evidence in this contested case.

FINDINGS OF FACT

Introduction

1. This contested case arose from Petitioner Naa Ayorkor Abordo's ("Petitioner") appeal of Respondent NC Department of Health and Human Services, Division of Health Service Regulation ("Respondent") substantiating an allegation that Petitioner abused a resident of Murdoch Developmental Center ("Murdoch Center") in Butner, NC on March 9, 2021. (Res. Ex. 18) and listing a substantiated finding of abuse against Petitioner in the North Carolina Health Care Personnel Registry.

2. While Respondent's notice to Petitioner of substantiated findings does not state the specific action of alleged abuse by Petitioner (Res. Ex. E), the "Investigation Conclusion Report" prepared by Respondent's nurse investigator (Res. Ex. 19) states the allegation as, "On or about 3/9/2021, [Petitioner], a Health Care Personnel, mentally abused a resident (AAL) with

punishment, when [Petitioner] willfully broke a personal item of resident AAL, resulting in mental anguish” Id. (the “Incident”).

Witnesses and Credibility

3. Petitioner worked at Murdoch Center as a Youth Program Education Assistant I, or “YPA”. Petitioner was a generally credible witness, but at times demonstrated either a hesitancy or reluctance to answer certain questions from the attorneys and from the Tribunal. A number of factors more likely than not contributed to this hesitation, including nervousness, the time frame between the events at issue and the contested case hearing, some limitations to Petitioner’s English, and reluctance by Petitioner to provide answers regarding unflattering actions on Petitioner’s part.

4. Dawud Muhammad (“Muhammad”) worked at Murdoch Center at the time of the Incident and is now retired from State service. Muhammad was Petitioner’s supervisor. His summarized testimony was that Petitioner was a good employee who cared about the residents. Muhammad was a credible witness.

5. Ilisha-Mona Lane (“Lane”) worked at Murdoch Center at the time of the Incident as a YPA and now is employed elsewhere. Lane was working on the same unit as Petitioner, Woodside Cottage, at the time of the Incident. However, Lane did not witness the specific act of alleged abuse by Petitioner against resident AAL, who is identified by initials only for privacy purposes. Lane was a credible witness.

6. Shawanna Daniels (“Daniels”) worked at Murdoch Center as a Patient Advocate at the time of the Incident and continues to work there. She investigated the allegations against Petitioner on behalf of Murdoch Center. Daniels was a credible witness.

7. Ayanna Bowden (“Bowden”) worked at Murdoch Center as a YPA at the time of the Incident and continues to work there. Bowden was a credible witness.

8. Lisa Norwood (“Norwood”) is a registered nurse employed with Respondent. Norwood screened, investigated, and substantiated the allegations of abuse against Petitioner at issue in this contested case. Id. Norwood was a credible witness.

9. Resident AAL did not testify at the contested case hearing.

Factual Stipulations By the Parties (Filed September 28, 2022)

10. On March 9, 2021, AAL was a resident of Murdoch Center’s Woodside Cottage (Stipulation 2).

11. AAL was a part of Murdoch Center’s STARS program. STARS is an acronym for “Specialized Treatment of Adolescents in a Residential Setting” (Stipulation 3).

12. AAL has a medical history of Disruptive Mood Dysregulation Disorder, ADHD-combined type, and cognitive and adaptive functioning in the moderate deficit range (Stipulation 4).

13. AAL has a behavior support plan that identifies target behaviors such as physical aggression, self-injurious behavior, property destruction, elopement, program refusal, disruptive behavior, and inappropriate verbal behavior (Stipulation 5).

14. AAL's data for March 9, 2021, includes a 6:45 pm entry, which states that AAL was in the dayroom using her game to take pictures of other residents and staff, that staff confiscated the game, and that AAL then went into a behavior (Stipulation 6).

15. AAL's data for March 9, 2021, includes a 7:05 pm entry, which states that AAL eloped down the hall, dropped to the floor, and tried to hit staff with a shoe (Stipulation 7).

16. AAL had signed a Personal Electronic Device Contract dated 3/1/21 which stated, "No photos or recordings of any kind should occur on my electronic device" (Stipulation 8).

The Incident

17. On the date of the Incident, AAL's electronic device, a "Game Boy" (the "device") (Res. Ex. 6) had been confiscated after it was found that AAL was using the device to take photos in violation of Murdoch Center rules or policies. There is no evidence that Petitioner ordered the confiscation. (Res. Ex. 17, Petitioner Interview, p. 4-5). The device, following its confiscation, was placed in the "tech center," a locked area of the cottage to which only staff had access. At this time, the device was not broken and was working properly. (Res. Ex. 4, Bowden Interview, p. 7).

18. Video from Murdoch Center placed in evidence (Res. Ex. 21) shows AAL having a "behavior" in response to this confiscation. This "behavior" was, simply put, extreme rage.

19. No witness testified at the hearing exactly how long the period of confiscation would have lasted. However, in her interview with Norwood, Petitioner stated that "Staff said they were going to hold the game until the unit manager comes, which was the next day, so the unit manager can decide what to do" (Res. Ex. 17, Petitioner Interview, p. 5). While the comments of unidentified "staff" are hearsay, it is clear that Petitioner understood at the time of the Incident that the period of confiscation for the device would last until at least the following day, with the final resolution being in control of the unit manager.

20. AAL had only recently obtained the device and enjoyed using it. However, "AAL is not really attached to anything that she have [sic] because she will break it no matter what it is. If she goes into a behavior, she breaks it up. Just a few days ago she broke her radio that she got, so I don't really think she gets attached to her personal items like that." (Res. Ex. 4, Bowden Interview, p. 7).

21. Nonetheless, the video demonstrates that AAL was angered and distressed by the device's confiscation, to the point where AAL is shown struggling on the floor of the cottage dayroom, attended to by staff, including Petitioner. AAL's then-present anger and distress, however, was tied to the *confiscation of the device itself* – an action for which Petitioner had neither responsibility nor culpability.

22. Exhibit 21 video then shows AAL suddenly rising to her feet and engaging in an "elopement" – running out of the dayroom and down into the adjacent hallway. Other Exhibit 21

video shows Murdoch Center staff, including Petitioner, attempting to pursue AAL. “She really ran to the furthest part of the building that you can run to.” (Res. Ex. 5, Lane Interview, p. 4).

23. Though not shown on the video, Petitioner caught up with AAL when AAL was trying to enter another room. As Petitioner attempted to intercept and redirect AAL, the resident closed the door of the room on Petitioner’s right hand, causing pain and injury to Petitioner (Res. Ex. 5, Lane Interview, p. 2-3).

24. At the hearing, the parties disputed the seriousness of Petitioner’s injury. Petitioner claims the injury caused by AAL causes her pain and difficulty to this day. Respondent contends otherwise, somewhat supported by subsequent video, showing Petitioner taking numerous actions with her injured hand.

25. It is not necessary to resolve this dispute, as medical information (Pet. Ex. 3) shows that, at the least, Petitioner suffered a contusion on her hand as a result of AAL’s actions that caused her to seek medical action outside of Murdoch Center. Petitioner testified credibly that on the date of the Incident her hand injury caused her considerable pain.

26. Petitioner was “frustrated” by the injury to her hand caused by AAL (Res. Ex. 17, p. 6).

27. Petitioner returned to the tech station area, apparently with the original purpose of seeking first aid. This is where AAL’s confiscated electronic device was stored.

28. Without therapeutic or other legitimate reason to do so, Petitioner removed the device from the tech station. While Petitioner claimed in her interview that she did so because she was “curious” about the photos on the device, that claim is not credible. (Res. Ex. 17, p. 8).

29. It is found as a fact, proven by direct evidence in the form of video footage (Res. Ex. 21), that Petitioner then entered the dayroom with the device and smashed the device on the floor, where it broke into several pieces (Res. Ex. 6).

30. Petitioner had no therapeutic or other legitimate reason for smashing the device, but rather did so out of anger from her injury caused by AAL. While Petitioner claimed in her interview that her action was not motivated by anger at AAL’s actions, that claim is not credible. (Res. Ex. 17, p. 10).

31. AAL herself was not in the dayroom at the time Petitioner smashed the device and did not witness the device being smashed. AAL was in another room in the vicinity at the time Petitioner smashed the device.

32. After Petitioner smashed the device, Murdoch Center staff, including Petitioner, falsely told AAL that the device had been broken in the initial struggle with AAL regarding the device’s confiscation.

33. AAL did not exhibit any mental anguish on being told, albeit falsely, that the device was broken in a struggle involving her. (Res. Ex. 4, Bowden Interview, p. 8).

The Investigations

34. Murdoch Center sent in 24-hour and five working day reports of the Incident to Respondent, as required (Res. Ex. 1 and 2). In these documents, Murdoch Center alleged “Resident Abuse.” It did not allege either “Resident Neglect” or “Misappropriation of Resident Property,” though those are options on the report form.

35. Murdoch Center’s report to Respondent (Res. Ex. 2) stated that the Incident did not cause physical injury/harm or risk of physical injury/harm to AAL. Under the block for “Mental Anguish,” Murdoch Center wrote, “No.”

36. Murdoch Center investigated the incident and determined that Petitioner’s breaking the device and staff lying to AAL about the cause was “emotional abuse” of AAL under Murdoch Center policies (Res. Ex. 12). AAL was not interviewed as a part of this investigation. Id. Murdoch Center’s investigation report was dated March 17, 2021. Id. Murdoch Center’s report did not allege that Petitioner either abused AAL or misappropriated the property of AAL.

37. Petitioner was fired from Murdoch Center because of the Incident (Petitioner testimony). Petitioner had not worked at Murdoch Center or for the State long enough to be a “career-status” employee (see N.C.G.S. 126-1.1), and Petitioner was terminated with no rights of appeal (Id.). Prior to her termination, Petitioner offered to replace the device (Petitioner testimony).

38. On March 22, 2021, Respondent notified Petitioner that “an investigation is to be conducted of the allegation that on or about March 9, 2021, you abused a resident at Murdoch Developmental Center” (Res. Ex. 3).

39. However, Norwood did not interview Petitioner about the Incident until March 17, 2022 (Res. Ex. 17). Norwood conceded at hearing that the significant delay between the Incident of March 9, 2021, and interviews a year later impacted witnesses’ ability to recall the events in question. Per Norwood, the delay in pursuing the investigation was due to COVID-19, a justification the Tribunal does not find entirely convincing.

40. Irrespective of Respondent’s delay in investigating the Incident, however, the relevant action by Petitioner – smashing the device – is not disputed, and not affected by Respondent’s delays on the issue.

41. As with the Murdoch Center investigation of the Incident, Norwood did not interview AAL as a part of Respondent’s investigation of the Incident.

42. Norwood prepared a report detailing the conclusions from her investigation (Res. Ex. 19). This exhibit was admitted into evidence, but with the proviso that hearsay contained within the report would require corroboration or establishment of an applicable hearsay exception to be admitted.

43. Norwood’s report states that Respondent was investigating the allegation that “On or about 3/9/2021, [Petitioner], a Health Care Personnel, mentally abused a resident (AAL) with punishment, when [Petitioner] willfully broke a personal item of resident AAL, resulting in mental

anguish.” The report does not allege or conclude that Petitioner neglected AAL or misappropriated the personal belongings or property of AAL.

44. While there is ample evidence through the Murdoch Center videos that AAL experienced significant distress due to the staff confiscating her device, there is no non-hearsay evidence before the Tribunal demonstrating that AAL suffered mental anguish because of Petitioner’s actions or felt that Petitioner’s actions were an act to punish her.

45. Based on the testimony and the exhibits, the Tribunal finds that the evidence does not support that Petitioner smashed the device to punish or cause anguish to AAL, but rather did so out of anger over her physical injury caused by AAL. In so finding the Tribunal does not conclude that Petitioner’s actions were measured, appropriate, or in accordance with Murdoch Center policies.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction over the parties and the subject matter pursuant to Chapters 131E and 150B of the North Carolina General Statutes.

2. All parties have been correctly designated and there is no question as to misjoinder or nonjoinder.

3. As a Youth Program Administrator working in a residential care facility, Petitioner is a health care personnel and is subject to the provisions of N.C.G.S. 131E-256.

4. Murdoch Center is a health care facility as defined in N.C.G.S. 131E-256(b).

5. By statute, the burden of proof in this contested case is on Petitioner. N.C.G.S. 150B-25.1.

6. To the extent that the Findings of Fact contain Conclusions of Law, and vice versa, they should be so considered without regard to their given labels. Charlotte v. Heath, 226 N.C. 750, 755, 440 S.E.2d 600, 604 (1946). A court or other hearing authority need not make findings as to every fact that arises from the evidence and need only find those facts which are material to the settlement of the dispute. Flanders v. Gabriel, 110 N.C. App. 438, 440, 429 S.E.2d 611, 612, aff’d, 335 N.C. 234, 436 S.E.2d 588 (1993).

7. N.C.G.S. 131E-256(a)(1) requires Respondent to maintain a registry containing the names of all unlicensed health care personnel working in health care facilities in North Carolina who have substantiated findings that they abused, neglected, or exploited a resident in those facilities. By Federal law, Respondent is mandated to establish and maintain a registry containing the names of health care personnel working in health care facilities in North Carolina who have been subject to a substantiated finding of neglect, abuse, misappropriation, diversion of drugs, or fraud. N.C.G.S. 131E-256(a)(1); Gail T Taylor v. Nurse Aid Registry, 20 DHR 03636 (2020).

8. Norwood’s report substantiating neglect is not determinative of whether Petitioner neglected AAL. Roberts v. DHHS, 17 DHR 0291 (2018); Shearer v. DHHS, 19 DHR 06431 (2020).

9. “Abuse” is the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish. 10A N.C.A.C. 130.0101; 42 C.F.R. § 488.301; Janet Johnson v. Health Care Personnel Registry, 2006 WL 3290486. “The definition is in two parts, the second dependent upon the first. The first part requires that there be willful infliction of one of four things: injury, unreasonable confinement, intimidation, or punishment. The second part of the definition, which comes into play only when the first part is satisfied, requires that physical harm, pain, or mental anguish result from the acts of the Petitioner.” Michelle E. Lee v. Department of Health and Human Services, Division of Facility Services, 2000 WL 33953014.

10. The parties dispute the definition above. Respondent, for its part, maintains that any act of abuse automatically causes physical harm, pain, or mental anguish. The Tribunal is unconvinced that the establishment of the first of two conditions automatically establishes the second – if it does, then why did the General Assembly not say so? – but this is the rare case where that dispute is not ultimately material, for two reasons.

11. First, there is no non-hearsay evidence establishing that Petitioner’s actions, while wholly inappropriate, were intended to “punish” AAL. Petitioner did not smash the device in AAL’s presence, though she easily could have. Such an action would be far more commensurate with the motive of “punishment” than simply throwing the device to the floor of a room where AAL was not present.

12. There is likewise no evidence from other sources, such as a staff member at Murdoch Center, that Petitioner’s actions were intended to “punish.” The evidence supports the conclusion that Petitioner was angered and frustrated over her injuries and smashed the device. While this conduct was both unprofessional and inappropriate, the issue in this case is not whether Petitioner acted unprofessionally or appropriately, or whether Murdoch Center would want someone who would behave in such a fashion on its staff. The issue is whether the evidence establishes a willful act of punishment, as Respondent alleges.

13. For the reasons stated, the Tribunal concludes that it does not. Further, “Nurse aides do an incredibly difficult job at low pay and with little appreciation. Lifetime blacklisting is not the appropriate response every time a mistake is made that upsets a patient, especially one like this one that results in no injury.” Ramsey v. NC DHHS, Division of Facility Services, 2001 WL 34055748. Here, in addition, there is no evidence that Petitioner’s actions, as opposed to the device confiscation itself, upset (let alone caused “anguish” to) AAL – and, though this does not excuse Petitioner’s conduct, there is evidence that AAL’s destructive behavior prevented her from getting attached to her personal belongings in any event.

14. Second, the General Assembly established various specific actions requiring a listing on the Health Care Personnel Registry:

(a) The Department shall establish and maintain a health care personnel registry containing the names of all health care personnel working in health care facilities in North Carolina who have:

(1) Been subject to findings by the Department of:

a. Neglect or abuse of a resident in a health care facility or a person to whom home care services as defined by G.S. 131E-136 or hospice services as defined by G.S. 131E-201 are being provided.

b. Misappropriation of the property of a resident in a health care facility, as defined in subsection (b) of this section including places where home care services as defined by G.S. 131E-136 or hospice services as defined by G.S. 131E-201 are being provided.

c. Misappropriation of the property of a health care facility.

d. Diversion of drugs belonging to a health care facility.

d1. Diversion of drugs belonging to a patient or client of the health care facility.

e. Fraud against a health care facility.

e1. Fraud against a patient or client for whom the employee is providing services.

N.C.G.S. 131E-256 (emphasis supplied).

15. These different categories listed in the governing statute leads to the inevitable conclusion that these offenses are different things – otherwise, there would be no need to list them separately. Respondent in this case attempts to put the square peg of abuse into the round hole that is “Misappropriation of the property of a resident in a health care facility.” That is defined, by Federal and State rule, as “the deliberate misplacement, exploitation, **or wrongful, temporary** or permanent **use of a resident's belongings** or money **without the resident's consent.**” 42 C.F.R. § 488.301; 10A N.C.A.C. 13O.010; see Daniel J. Harrison v. DHHS Division of Health Service Regulation, 2013 WL 2488780.

16. Petitioner’s smashing AAL’s device was a wrongful temporary use of AAL’s belongings without AAL’s consent. This action fits the category of misappropriation of resident property much more than a claim of “abuse,” by plain reading of the statute and related rules. Respondent investigated and substantiated the wrong offense.

17. While Respondent urged the Tribunal at hearing to conclude as an alternative that Petitioner engaged in neglect, Petitioner was given notice of no allegation other than abuse. The General Assembly provided persons in Petitioner’s position with due process in the form of an administrative hearing. “The fundamental premise of procedural due process protection is notice and the opportunity to be heard.” Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 542, 105 S. Ct. 1487, 1493, 84 L. Ed. 2d 494, 503 (1985). Moreover, the opportunity to be heard must be “at a meaningful time and in a meaningful manner.” Peace v. Emp. Sec. Comm'n of N. Carolina, 349 N.C. 315, 322, 507 S.E.2d 272, 278 (1998).

18. This is particularly true in North Carolina with regard to the right to work in ordinary professions, as, “We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, **the**

enjoyment of the fruits of their own labor, and the pursuit of happiness.” N.C. Const. art. I, § 1 (emphasis supplied), see Tully v. City of Wilmington, 370 N.C. 527, 530, 810 S.E.2d 208, 212 (2018). An appeals system where either the State or the Administrative Law Judge could simply change the agency action appealed from to a different action, during or after the administrative hearing, would make preparation of Petitioner’s case an impossibility and the concept of “notice” a nullity. Matter of Chastain, 281 N.C. App. 520, 528, 869 S.E.2d 738, 744 (2022).

19. Respondent submitted two decisions of the Office of Administrative Hearings to support its claim that it may swap horses in the administrative hearing midstream (see State v. Sharpe, 344 N.C. 190, 194, 473 S.E.2d 3, 5 (1996)). The first, Appalachian Community Services v. NC DHHS, 21 DHR 04917, involved an ALJ finding that a civil penalty assessed against a facility met a lower standard, and that the facility thus faced a reduced civil penalty than the agency imposed. However, N.C.G.S. 122C-24.1(f) specifically allows this action; Respondent points to no corresponding statute here.

20. The second case, Keshia D. Griffin v. DHHS, 16 DHR 00798, 021269, 02179, did involve three allegations of abuse which the ALJ found were not substantiated, but which did, the ALJ found, constitute neglect. This decision is not binding on the Tribunal, and as it states no authority for taking that action in the absence of notice nor discusses how such an action complies with due process, the Tribunal is not convinced by it.

21. Simply put, noticing a violation of one statutory section and then proceeding with the argument that the same conduct establishes violation of another, without notice, violates due process and is, additionally, arbitrary, capricious, and an abuse of discretion in violation of N.C.G.S. 150B-23. See NC Alcoholic Beverage Control Commission v. H and J Super Discount Inc T/a Super Discount Mini Mart, 2019 WL 2183213 (“Very basic procedural due process requires that the Respondent in this contested case be given proper notice of its perceived wrongs that brings them before a tribunal.”).¹

22. The Tribunal does not in this Final Decision approve or condone Petitioner destroying the personal belongings of a resident. The Tribunal merely concludes, for the reasons stated, that the evidence in this contested case does not establish resident abuse as a matter of law.

23. Petitioner satisfied the burden of proving that Respondent substantially prejudiced Petitioner’s rights, failed to act as required by law or rule, exceeded its authority, and failed to use proper procedure when Respondent substantiated the allegations that Petitioner abused AAL, and entered those findings against Petitioner on the North Carolina Health Care Personnel Registry.

24. Petitioner’s name must be removed from the Health Care Personnel Registry. Pamela Byrd v. North Carolina Department of Health and Human Services, 13 DHR 12691 (2013).

¹ In cases initiated by the North Carolina Alcoholic Beverage Control Commission, the “Respondent” is the equivalent of the Petitioner here – the non-agency actor.

FINAL DECISION

The agency action is **REVERSED**. Respondent shall remove Petitioner's name from the North Carolina Health Care Personnel Registry and the records of the North Carolina Health Care Personnel Registry shall reflect that the finding of abuse was not established.

NOTICE OF APPEAL

This is a Final Decision issued under the authority of N.C. Gen. Stat. § 150B-34.

Under the provisions of North Carolina General Statute § 150B-45, any party wishing to appeal the final decision of the Administrative Law Judge must file a Petition for Judicial Review in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. **The appealing party must file the petition within 30 days after being served with a written copy of the Administrative Law Judge's Final Decision.** In conformity with the Office of Administrative Hearings' rule, 26 N.C. Admin. Code 03.0102, and the Rules of Civil Procedure, N.C. General Statute 1A-1, Article 2, **this Final Decision was served on the parties as indicated by the Certificate of Service attached to this Final Decision.** N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. Under N.C. Gen. Stat. § 150B-47, the Office of Administrative Hearings is required to file the official record in the contested case with the Clerk of Superior Court within 30 days of receipt of the Petition for Judicial Review. Consequently, a copy of the Petition for Judicial Review must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely filing of the record.

SO ORDERED.

This the 11th day of October, 2022.



Michael C. Byrne
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service.

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This the 11th day of October, 2022.



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